



**THE CITY OF NEW YORK
LAW DEPARTMENT**

MICHAEL A. CARDODOZ
Corporation Counsel

100 CHURCH STREET
NEW YORK, NY 10007

JAMES MIRRO

Special Assistant Corporation Counsel
phone (212) 788-8026 fax (212) 788-9776

February 25, 2008

BY HAND

The Honorable Richard J. Sullivan
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, New York 10007-1312

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Re: Consolidated RNC Cases

Dear Judge Sullivan:

Pursuant to Your Honor's scheduling order, today defendants filed and served *via* ECF their appeal brief pursuant to Rule 72 relating to the January 23, 2008 order of Magistrate Judge James C. Francis IV ("Order"). The Order granted in part and denied in part the motions of plaintiffs in 37 separate cases to amend their complaints to add numerous new claims and numerous new defendants. For the Court's convenience, defendants have joined all of their appeal points within a single Consolidated Memorandum of Law ("Brief").

We enclose a courtesy copy of the Brief, along with the Declaration of Raju Sundaran and all Exhibits, for Your Honor's convenience. We have submitted the Declaration and Exhibits in paper form and in electronic form (on disk). Defendants have attached as Exhibit "F" each of complaints at issue in this appeal, which accounts for the bulk of the Exhibits.

The Brief's length is currently 34 pages, which exceeds the length permitted in Your Honor's individual practice rules by 9 pages. Defendants respectfully request that the Court permit the Brief in its current form. This appeal consolidates the arguments relating to some 37 separate cases. In addition, many of the issues discussed in the Brief, including the issues relating to the Deputy Commissioner for Intelligence David Cohen, are substantive issues that are of vital importance to defendants.

In addition, due to the bulk of the Exhibits, defendants request permission not to file the Sundaran Declaration and the Exhibits via ECF. Defendants have served these materials on opposing counsel in electronic form (on disks).

If this meets with Your Honor's approval, would you please "so order" it?

Respectfully submitted,


James Mirro

cc: RNC Distribution List (by email)

Defendants' brief is accepted for filing. However, the Court reminds defendants that requests to file oversized briefs should be filed well in advance of relevant due dates. Failure to do so in the future will result in rejection & the brief ~~will~~ in its entirety.

Defendants need not file the exhibits referenced herein via ECF.

SO ORDERED
Dated: 3/3/08

RONALDO J. GALLIVAN
U.S.D.A.

Appendix of Cases On Appeal Of January 23, 2008 Order

1. MacNamara, et al. v. City of New York, et al., 04 CV 9216 (RJS)(JCF).
2. Rechtschaffer v. City of New York, et al., 05 CV 9930 (RJS)(JCF).
3. Portera v. City of New York, et al., 05 CV 9985 (RJS)(JCF).
4. Bunim, et al. v. City of New York, et al., 05 CV 1562 (RJS)(JCF).
5. Kalra, et al. v. City of New York, et al., 05 CV 1563 (RJS)(JCF).
6. Ryan, et al. v. City of New York, et al., 05 CV 1564 (RJS)(JCF).
7. Garbini, et al. v. City of New York, et al., 05 CV 1565 (RJS)(JCF).
8. Greenwald, et al. v. City of New York, et al., 05 CV 1566 (RJS)(JCF).
9. Pickett, et al. v. City of New York, et al., 05 CV 1567 (RJS)(JCF).
10. Tremayne, et al. v. City of New York, et al., 05 CV 1568 (RJS)(JCF).
11. Biddle, et al. v. City of New York, et al., 05 CV 1570 (RJS)(JCF).
12. Moran, et al. v. City of New York, et al., 05 CV 1571 (RJS)(JCF).
13. Botbol, et al. v. City of New York, et al., 05 CV 1572 (RJS)(JCF).
14. Crotty, et al. v. City of New York, et al., 05 CV 7577 (RJS)(JCF).
15. Stark, et al. v. City of New York, et al., 05 CV 7579 (RJS)(JCF).
16. Lalier, et al. v. City of New York, et al., 05 CV 7580 (RJS)(JCF).
17. Grosso v. City of New York, et al., 05 CV 5080 (RJS)(JCF).
18. Dudek v. City of New York, et al., 04 CV 10178 (RJS)(JCF).
19. Bell v. City of New York, et al., 05 CV 3705 (RJS)(JCF).
20. Starin v. City of New York, et al., 05 CV 5152 (RJS)(JCF).
21. Lee v. City of New York, et al., 05 CV 5528 (RJS)(JCF).
22. Cohen v. City of New York, et al., 05 CV 6780 (RJS)(JCF).

23. Phillips, et al. v. City of New York, et al., 05 CV 7624 (RJS)(JCF).
24. Coburn, et al. v. City of New York, et al., 05 CV 7623 (RJS)(JCF).
25. Drescher v. City of New York, et al., 05 CV 7541 (RJS)(JCF).
26. Bastidas, et al. v. City of New York, et al., 05 CV 7670 (RJS)(JCF).
27. Xu, et al. v. City of New York, et al., 05 CV 7672 (RJS)(JCF).
28. Sloan, et al. v. City of New York, et al., 05 CV 7668 (RJS)(JCF).
29. Galitzer v. City of New York, et al., 05 CV 7669 (RJS)(JCF).
30. Sikelianos v. City of New York, et al., 05 CV 7673 (RJS)(JCF).
31. Abdell, et al. v. City of New York, et al., 05 CV 8453 (RJS)(JCF).
32. Adams, et al. v. City of New York, et al., 05 CV 9484 (RJS)(JCF).
33. Araneda, et al. v. City of New York, et al., 05 CV 9738 (RJS)(JCF).
34. Eastwood, et al. v. City of New York, et al., 05 CV 9483 (RJS)(JCF).
35. Tikkun v. City of New York, et al., 05 CV 9901 (RJS)(JCF).